

June 17, 2019

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

RE: South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Each Electrical Utility's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended)
Docket No. 2019-176-E
Docket No. 2019-185-E (Duke Energy Carolinas, LLC)
Docket No. 2019-186-E (Duke Energy Progress, LLC)

Dear Ms. Boyd,

On May 23, 2019, the Public Service Commission of South Carolina (the “Commission”) opened Docket No. 2019-176-E to initiate a proceeding pursuant to Act 62¹ to “establish each electrical utility's standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary” as required by newly enacted S.C. Code Section 58-41-20(A) (the “PURPA Implementation and Administration Provisions”). Subsequently, pursuant to a motion adopted by the Commission at its weekly agenda meeting on May 29, 2019, the Commission instructed the Chief Administrator to open separate dockets for each electrical utility in which the PURPA Implementation and Administration Provisions would be addressed. Accordingly, on May 30, 2019, Docket No. 2019-186-E was opened for Duke Energy Progress, LLC (“DEP”) and Docket No. 2019-185-E was opened for Duke Energy Carolinas, LLC (“DEC,” and together with DEP, the “Companies” or “Duke”). Docket No. 2019-184-E was opened for Dominion Energy South Carolina, Incorporated.

To reduce confusion regarding the seemingly duplicative nature of these dockets and to enhance transparency associated with implementation of the Act², DEP and DEC respectfully request that Docket No. 2019-176-E be administratively closed.

¹ South Carolina Energy Freedom Act, H. 3659, 123rd Legislative Session (2019).

² For example, on Friday, June 13, 2019, Johnson Development Associates, Incorporated filed nearly identical petitions to intervene in DEC's and DEP's PURPA Implementation and Administration Provisions dockets, as well as in the generic docket previously established by the Commission. Upon information and belief, the Commission opened the generic docket for the same purpose and to consider identical issues as it intends to consider in the utility-specific dockets.

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The Companies intend to file a proposed procedural schedule in Docket Nos. 2019-186-E and 2019-185-E in the near future given the Commission's upcoming statutory deadline by which to issue a decision in those dockets. The Companies will then conform or replace their application and direct testimony filed in Docket No. 1995-1192-E into Docket Nos. 2019-185-E and 2019-186-E, as the issues under consideration in Docket No. 1995-1192-E are substantially similar to those to be considered in Docket Nos. 2019-185-E and 2019-186-E.

Should you have any questions regarding this request, please do not hesitate to contact me at 803.988.7130.

Sincerely,



Rebecca J. Dulin

Attachments

Cc: Ms. Becky Dover, SC Department of Consumer Affairs
Ms. Carri Grube-Lybarker, SC Department of Consumer Affairs
Ms. James Goldin, Nelson Mullins Riley & Scarborough, LLP
Mr. Jeffrey M. Nelson, Office of Regulatory Staff
Mr. Richard L. Whitt, Austin & Powers, P.A.
Ms. Heather Smith, Duke Energy Corporation